

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4, 7-16, and 19-25 are pending in this application. Claims 5-6 and 17-18 have been canceled without prejudice and disclaimer of subject matter.

**II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-4, 13-16, and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,314,235 to Gotoh, et al. (hereinafter, merely “Gotoh”) in view of U.S. Patent No. 6,360,057 to Tsumanari (hereinafter, merely “Tsumanari”) and further in view of U.S. Patent No. 6,205,529 to Shagam (hereinafter, merely “Shagam”).

Claims 7-9 and 19-21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gotoh in view of Tsumanari and Shagam and further in view of U.S. Patent No. 6,373,803 to Ando (hereinafter, merely “Ando”).

Claims 10-12 and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gotoh in view of Tsumanari, Shagam, and Ando and further in view of U.S. Patent No. 6,014,368 to Sanami (hereinafter, merely “Sanami”).

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“A recording control apparatus for controlling data recording on a recording medium, comprising:

**...wherein recording of data into the reserved area is terminated when the remaining part of the reserved area is less than the size of a packet to be recorded in the reserved area, and greater than zero**” (Emphasis added)

Applicants have amended claim 1 to recite that the remaining part of the reserved area is less than the size of a packet to be recorded in the reserve area and greater than zero.

Applicants submit that the features of claim 1 are distinguished from the art used as a basis of rejection.

Therefore, Applicants respectfully submit that independent claim 1 is patentable.

For similar reasons or somewhat similar reasons discussed above regarding independent claim 1, independent claims 13 and 25 are also patentable.

Therefore, Applicants respectfully submit that independent claims 1, 13, and 25 are patentable.

### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent on an independent claim discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on

each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

**CONCLUSION**

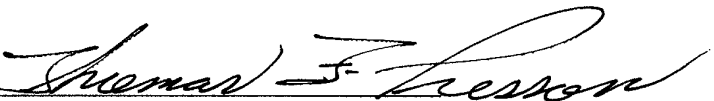
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By 

Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800